

* * * ulcers, itching piles, pimples * * * etc. Although not meant to be a cure-all, or to relieve other than diseases of the skin, Mr. Miller's remedy is excellent for piles, for inflammation of the glands * * * As a remedy for toothache it has no equal. It lessens the discomfort of pyorrhea * * * used for nearly everything external." Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of the alcohol contained in the article, since no declaration appeared on the carton, and the declaration on the bottle label was inconspicuous.

On January 28, 1935, no claimant having appeared, and the court having found that the allegations of the libel were true and in accordance with the verdict of the jury, judgment was entered ordering that the product be condemned and destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

24063. Misbranding of Kohler One Night Cough Syrup. U. S. v. 22 Bottles and 14 Bottles of Kohler One Night Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 33038. Sample nos. 72148-A, 72149-A.)

This case involved a shipment of Kohler One Night Cough Syrup, described in the labeling as "this reliable old remedy." This description, together with directions for adults and particularly children, implied that it was safe and appropriate when, as a matter of fact, it contained morphine sulphate and cannabis, both habit-forming drugs, and an antimony compound, a dangerous substance. The labels bore also unwarranted curative and therapeutic claims.

On July 2, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bottles of Kohler One Night Cough Syrup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about November 6, 1933, and January 18 and April 9, 1934, by the Kohler Manufacturing Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended.

The libel charged that the article was misbranded in that the following statements in the labeling were false and misleading: (Carton) "This reliable, old remedy has been successfully used for generations"; (carton and bottle) "Directions * * * Dose—One-half teaspoonful 3 times a day and on going to bed. Child 5 years old, 15 drops; 1 year old, 5 drops. In severe cases, double the above doses"; (circular) "Directions * * * Dose for an adult: Half teaspoonful three times a day and on going to bed. Dose for children: Ten years old—20 drops. Five years old—15 drops. One year old—5 drops. Note:—Some individual cases require more, others less. The quantity for each can best be learned by actual use. * * * Recommend Kohler One Night Cough Syrup to your friends as an old reliable remedy. Tell them to ask for it by name."

Misbranding was alleged for the further reason that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Carton and bottle) "Directions Dose—One-half teaspoonful 3 times a day and on going to bed. Child 5 years old, 15 drops; 1 year old, 5 drops. In severe cases, double the above doses"; (circular) "Usually gives quick relief in the following: In Asthmatic Cough—Take during and after paroxysm. Keep the body and feet warm. In Bronchial Irritations—(cough with tickling sensation.) Take small doses at short intervals until the phlegm is loosened and thrown off. In affected throat—of the ordinary variety incident to colds and In hoarseness, Impairment of Voice, etc., due to the same cause, take the usual dose every two hours. In Whooping Cough—Give a dose according to the age of the child after each coughing spell. Take every precaution against the child catching cold. Keep the bowels active. In Simple Croup—Give dose according to age. If improvement is not immediate, call physician at once. In all cases, take the dose slowly; let it trickle down the throat to obtain best results. * * * Successfully used for generations in the treatment of simple coughs and throat irritations incident to colds, etc. Directions * * * Dose for an adult: Half teaspoonful three times a day and on going to bed. Dose for children: Ten years old—20 drops. Five years old—15 drops. One year old—5 drops. Note:—Some individual cases require more, others less. The quantity for each can best be learned by actual use. * * * In General The first stages of a cough yield so much more readily to treatment that one should take Kohler One Night Cough Syrup just as soon as a cough is noticed. Neglect and delay may cause dangerous results. In Common cases, take the usual dose prescribed above. Where the cough has become

more severe, take double the regular dose every two hours. Let Kohler One Night Cough Syrup Trickle down the throat as slowly as possible. Where the cough is constant and harassing, repeat the regular dose at short intervals until the phlegm is loosened and thrown off. Keep the body warm and in as even a temperature as possible. Keep the feet warm and dry. Keep the bowels open by taking a gentle purgative."

On September 7, 1934, no claimant having appeared, judgment was entered finding that the statements in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, and ordering that the products be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24064. Misbranding of Dr. Browns Food Lax. U. S. v. 124 Packages and 59 Packages of Dr. Browns Food Lax. Default decree of condemnation and destruction. (F. & D. no. 33046. Sample nos. 67597-A, 67598-A.)

This case involved a product which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling, and because it was a drug and was represented to be a food.

On July 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 small packages and 59 large packages of Dr. Browns Food Lax at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about January 30, 1934, by the Nostane Products Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of agar agar and the seeds of several species of plantago.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading, since the article was not a food: "Food Lax", "Accessory Food", "food laxative", and "is * * * not a medicine." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) " * * * for Bowel Regulation * * *"; (circular) "New Energy and Health * * * for Bowel Regulation * * * Peplless-No Appetite-Dull Headaches It's Nature's Warning of Constipation Correct it Now! * * * rid yourself of Constipation—and stay rid of it. You think you're not the least bit affected—you say that you're 'regular' as can be—but physicians will tell you that it is only too easy to deceive yourself in this respect and stay doped with poisons. Many of our users, who have suffered from habitual constipation and the many other ailments resulting from this condition, were simply amazed in the improvement of their health and increased vitality as a result of taking Food Lax regularly. * * * The specially processed Dextrine supplies a favorable media for the return of essential germ life in the intestines. This favorable germ life helps to combat the inroads of Constipation and its allied conditions. * * * thus your whole intestinal tract is 'toned up'—purified. Poison forming matter no longer remains, to stagnate and contaminate our blood, and when this occurs, digestion improves. 'Pep' returns. * * * It is a necessary * * * bowel regulator * * * Acts as a food * * * The foremost physicians of the world suspect that fully 75 per cent of all ailments are caused by intestinal poisons, producing auto-intoxication. * * * More than 95 per cent of people suffer from auto-intoxication caused by delayed stool conditions. Consider the following list of ailments that are usually due to auto-intoxication or allied with constipation: Indigestion, inactive liver, gas in bowels or stomach, pains after eating, backaches, rheumatism, catarrh, headaches, dropsy, heartburn, heart palpitation, confusion or dullness of the mind, sexual weakness, fistula, hemorrhoids, feverish sensations, weak joints, obesity, thinness, deafness due to catarrh, gall stones, colitis, boils, pimples and other skin disorders, eye-strain, irritability, neuralgia, nervousness, neurasthenia, insomnia, prostatitis, pruritis, and general debility. From the foregoing statements of facts the dangers of unrelieved Constipation can readily be seen. If you suffer from any of the conditions stated above and which can be attributed to Constipation or a sluggish bowel start aright by taking Dr. Browns Food Lax conscientiously."

On November 5, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*